

REMARKS

Claims 1-13 are pending with entry of this amendment. Claims 1-8 are withdraw. Claim 1-2, 6, and 9-13 are amended.

The Examiner has required restriction between Groups 1-592. Applicants hereby elect Group 582 (SEQ ID NO: 207/NMB1799), claims 9-13, with traverse. As amended herein, the claims are all linked by the technical feature of NMB1799 (or its representative amino acid sequence of SEQ ID NO: 207) used as an immunogen. The technical feature is novel as the Examiner has not demonstrated that the use of this protein as an immunogen was recognized in the prior art given that the protein was annotated as an S-adenosylmethionine synthetase, which would be expected to be located in the cytosol of the bacteria and therefore would not normally be expected to be immunoaccessible. Furthermore, it would not represent an undue search burden on the Examiner to rejoin claims 1-8 given that the search for claims 9-13 should suffice for claims 1-8 as presently amended.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objection and rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 223002109500.

Dated: April 23, 2009

Respectfully submitted,

By: /Otis Littlefield/
Otis Littlefield

Registration No.: 48,751
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
(415) 268-6846